

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

**FEIN, SUCH, KAHN & SHEPARD, P.C.**  
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Attorneys for Movant  
PNC BANK, NATIONAL ASSOCIATION, as  
servicer for MANUFACTURERS AND  
TRADERS TRUST COMPANY, A/K/A M&T  
BANK, SUCCESSOR BY MERGER WITH  
HUDSON CITY SAVINGS BANK  
R.A. LEBRON, ESQ.  
PN025  
bankruptcy@feinsuch.com

In Re:

ROBERT L. FRANKLIN dba  
CASDAQ, LLC

Debtor(s).



**Order Filed on February 23, 2018  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey**

Case No.: 17-21641 ABA

Chapter: 13

Hearing Date: February 6, 2018

Judge: Hon. Andrew B.  
Altenburg, Jr.

Recommended Local Form: ☐ Followed ☒ Modified

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT  
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

**DATED: February 23, 2018**

Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Applicant:	PNC BANK, NATIONAL ASSOCIATION, as servicer for MANUFACTURERS AND TRADERS TRUST COMPANY, A/K/A M&T BANK, SUCCESSOR BY MERGER WITH HUDSON CITY SAVINGS BANK
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtor's Counsel:	BRUNO BELLUCCI, III
Property Involved (Collateral")	204E PATCONG AVENUE LINWOOD, NJ 08221

Relief sought:        ☒ Creditor's Certification of Default

☐ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent  
   imposition of automatic stay against the  
   collateral by debtor's future bankruptcy  
   filings

For good cause shown, it is **ORDERED** that Applicant's  
Certification of Default is resolved, subject to the following  
conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 3 months, from December, 2017  
to February, 2018.
- ☒ The Debtor is overdue for 3 payments at \$4,813.76 per  
month with \$1,552.56 in suspense plus attorney's fees in the  
amount of \$400.00.
- ☐ The Debtor is assessed for N/A late charges at N/A per  
month.
- ☐ Applicant acknowledges receipt of funds in the amount of  
N/A received after the motion was filed.

Total Arrearages Due \$13,288.72.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$N/A.  
Payment shall be made no later than N/A.
- ☒ Beginning on March 1, 2018, regular monthly mortgage  
payments shall continue to be made in the amount of  
\$4,813.76.
- ☐ Beginning on N/A, additional monthly cure payments shall  
be made in the amount of \$N/A for N/A months.

☒ The amount of \$12,888.72 shall be capitalized in the Debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be \$\_\_\_\_\_per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular monthly payment: PNC Mortgage  
3232 Newmark Drive  
Miamisburg, OH 45324

☐ Monthly cure payment:

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$N/A.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within \_\_\_\_\_ days.

☐ Attorneys' fees are not awarded.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Robert L. Franklin  
Debtor

Case No. 17-21641-ABA  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Feb 23, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 25, 2018.

db +Robert L. Franklin, 204 E. Patcong Ave., Linwood, NJ 08221-2261

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 25, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 23, 2018 at the address(es) listed below:

Bruno Bellucci, III on behalf of Debtor Robert L. Franklin jkearney@belluccilaw.net,  
bbellucci@belluccilaw.net, lcanizzaro@belluccilaw.net, kpalermo@belluccilaw.net  
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Isabel C. Balboa on behalf of U.S. Trustee U.S. Trustee ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
John R. Morton, Jr. on behalf of Creditor Ally Financial ecfmail@mortoncraig.com,  
mortoncraigecf@gmail.com  
R. A. Lebron on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION, as servicer for  
MANUFACTURERS AND TRADERS TRUST COMPANY, A/K/A M&T BANK, SUCCESSOR BY MERGER WITH HUDSON CITY  
SAVINGS BANK bankruptcy@feinsuch.com  
R. A. Lebron on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bankruptcy@feinsuch.com  
Rebecca Ann Solarz on behalf of Creditor M&T BANK rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
William E. Craig on behalf of Creditor Ally Financial mortoncraigecf@gmail.com,  
mortoncraigecf@gmail.com

TOTAL: 11